

Developmental Disabilities Council
Reading Cover Page

Date: November 18, 2004

Meeting: Governance Committee

Reading Number: 04 G-16

Issue: Reasonable Accommodations Policy

Included in Reading: Draft 5 Reasonable Accommodations Policy

Background/Summary: The committee has been working on this policy for several meetings. This draft incorporates the changes recommended by the committee at the September meeting.

Action: Vote

If there are any questions, please contact Clare Billings at 1-800-634-4473, or email at clareb@cted.wa.gov

Draft 5

Reasonable Accommodations Policy

It is the policy of the Developmental Disabilities Council to provide all reasonable accommodations that create equal opportunities for access to and participation in Council meetings, workgroups, committees, executive sessions, and Council sponsored activities.

General Accommodations

The Council provides the following general accommodations:

- **Meeting Room Accessibility** – All Council meetings are held in accessible sites.
- **Meeting Structure/Break Times** – Council meeting agenda includes a scheduled 20-minute break during every 3 hours of meeting time.
- **Safe & Accessible Overnight Lodging** – is available, in accordance with the Americans with Disabilities Act (Public Law 101-336), and within state and federal travel regulations. Safety information is available at the time of check-in.
- **Transportation** – equal access to transportation is provided for all Council members.

Requesting other Accommodations

Requests for other accommodations must be made in writing, by email, or communicated orally to the Council's Member Support Coordinator two weeks prior to the Council meeting or activity. Accommodations are based on individual needs.

Examples of Other Accommodations:

- **Communication Assistance** – including interpreters, reader assistance, Braille, large type, computer disk materials, teleconference call meetings, or assistive listening systems.
- **Personal Assistance** – including assistance with dressing, toileting, eating, preparing for and participating in Council meetings and activities.
- **Special Dietary Needs** – including vegetarian meals or other special meals.

Program Access and Responsibilities to the Public

Accommodations are provided based on the following guidelines on making services, programs and activities accessible to all people with disabilities consistent with state and federal law.

The Council will provide equal opportunities to members of the public who are persons with disabilities to participate in Council business and activities regardless of disability or use of service animal as follows:

- Requests for accommodations must be submitted in writing, by email or orally to the Council Office at least two weeks prior to the Council meeting or activity.

The Council will inform members of the general public of:

- Their right to request accommodations,
- How to initiate such a request, and
- About internal complaint procedures, external mechanisms, and remedies if an individual believes that he/she has been discriminated on the basis of a disability.

External mechanisms may include filing a complaint with:

- a. Washington State Human Rights Commission
- b. United States Department of Justice
- c. United States Health and Human Services Office for Civil Rights

Facilities:

The Council will maintain current information about facilities' accessibility features and the availability of assistive equipment.

The Council will provide information that directs persons with disabilities to accessible services, activities, and facilities including signage that:

- Directs users to the accessible features of the facility (e.g. path-of-travel, entrances, restrooms, telephones, etc.)

- Complies with appropriate state and federal accessibility standards.

Communications:

The Council will take appropriate steps to facilitate effective communication with the person with the disability by giving primary consideration to requests of the person with the disability in determining what type of aid or service is necessary.

The Council will not retaliate against or coerce any person who exercises his or her rights, or assists others in exercising their rights under this policy or state and federal civil rights law.

The Council will not impose a surcharge on any individual with a disability or groups of people with disabilities to cover any additional costs of making a program or activity accessible.

Determining Reasonable Accommodations

The Executive Director is responsible for deciding whether providing an accommodation would result in fundamental alteration in the nature of its programs, services or activities or would pose as an undue financial and administrative burden. The Executive Director's decision must be in writing with reasons for reaching that conclusion.

Definitions:

Auxiliary Aides and Services – means a wide range of services and devices for ensuring effective communication. The type of auxiliary aide or service necessary to ensure effective communication will vary according to the needs of the individual. Examples of these aides and services include but are not limited to:

- Support person who is qualified to interpret the information that is put forth to allow the individual an equal opportunity to participate in and contribute to Council business. Personal assistants to assist with bathing, dressing, toileting, eating, etc. (Support person does not include Council mentors.)
- Qualified sign language and other language interpreters, note takers, written materials, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, Tele-a-typewriter (TTY), videotext display, qualified readers, Braille materials, large print, communication boards, etc.

Fundamental Alteration and Undue Burden – are defenses for not meeting the program access requirements of Title II of the ADA. The Council is not required to make a program service or activity accessible if doing so would fundamentally alter the nature of the program, service or activity, or if it would result in an undue administrative or financial burden.

Person with a disability – is a person who meets one or more of the following:

- A physical or mental impairment that substantially limits one of more major life activities,
- Has a record of physical, mental or sensory impairment,
- Who is regarded as having a physical, mental or sensory impairment, or
- Has a condition medically cognizable or diagnosable and who is denied reasonable accommodation or is discriminated against on the basis of that condition.

Qualified person with a disability – means a person with a disability who meets the essential eligibility requirements to participate in Council programs and activities with or without reasonable modification to rules, policies or practices; removal of architectural communication or transportation barriers; or provision of auxiliary aids and services.

Service Animal – means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to:

- Guiding individuals with impaired vision
- Alerting individuals with impaired hearing to intruders or sounds
- Providing minimal protection or rescue work
- Pulling a wheelchair
- Fetching dropped items

Authorizing Sources:

Americans with Disabilities Act (ADA) Title II of 1990
(Public Law 101.336)

Rehabilitation Act of 1973, 29 U.S.C. 794 (Section 504)

Washington Law Against Discrimination – Revised Code
of Washington 49.60

Washington Administrative Code 162-26

Governor's Executive Order 96-04

Developmental Disabilities Bill of Rights Act of 2000
(Public Law 106.402)